

**78B-2-211 What constitutes adverse possession under written instrument.**

For the purpose of constituting an adverse possession by any person claiming a title based upon a written instrument or a judgment or decree, the property is considered to have been possessed if:

- (1) it has been usually cultivated or improved;
- (2) it has been protected by a substantial enclosure;
- (3) although not enclosed, it has been used for the supply of fuel, fencing timber, for the purpose of husbandry, or for pasturage or for the ordinary use of the occupant; or
- (4) where a known farm or single lot has been partly improved, the portion of the farm or lot which may have been left not cleared or not inclosed according to the usual course and custom of the adjoining county is considered to have been occupied for the same length of time as the part improved and cultivated.

Amended by Chapter 146, 2009 General Session